**IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR**

**BENCH, JAIPUR.**

******

**J U D G M E N T**

**M/s. S.Pal & Co. Vs. Hitech Precision Glass Ltd**

**S.B.CIVIL FIRST APPEAL NO.64/1988 AGAINST THE JUDGMENT AND DECREE DT.2.12.87 PASSED BY ADDL. DISTT. JUDGE, DHOLPUR.**

**Date of Judgment : Oct.05,2006.**

**P R E S E N T**

**HON'BLE DR.JUSTICE VINEET KOTHARI**

**Mr.Anil Mehta, for the appellant/s.**
**Mr.Nemi Chand Sharma, for the the respondent.**

**BY THE COURT:**

**1. This appeal is directed against the Judgment & decree dated 2.12.1987 of the learned trial court whereby the suit of the plaintiff Hitech Precision Glass Limited for recovery of amount of Rs.44199.62 was partly decreed for a sum of Rs.33411.12 against the defendant, the present appellant M/s.S.Pal & Company.**

**2. The learned counsel for the appellant-defendant M/s. S.Pal & Company first raised the issue of jurisdiction that the suit in Rajasthan could not be maintained as the contract has taken place at Delhi.**

**3. It appears that seller Company, the plaintiff M/s. Hitech Precision Glass Ltd. is a registered company having its registered office at Dholpur within the State of Rajasthan and they supplied the goods to its distributor, the present appellant, defendant before the trial court M/s.S.Pal & Company and on account of certain non-payments of bills by the distributor, the plaintiff-company had to file the present suit. Since the goods in question were supplied by the Company having its registered office and business premises at Dholpur in Rajasthan, the cause of action apparently arose within the jurisdiction of trial court, therefore, this issue has rightly been decided by the trial court against the defendant, present appellant.**

**4. The next contention raised by the learned counsel for the appellant-defendant M/s.S.Pal & Company is that the issue no.13 regarding commission, to which the appellant company was entitled, has been wrongly decided by the trial court and it has allowed the deduction of commission in respect of only some of the bills of goods sold by the defendant and not the entire commission as settled by the plaintiff-company. The learned trial court has allowed the deduction from the payment claimed by the**

**plaintiff-company to the extent of commission which was proved by the defendant by producing the bills as representing the goods sold by it and, therefore, since nothing beyond that was proved before the trial court, the trial court cannot be said to have committed any error in awarding the deduction only to that extent and passed the decree for the balance amount of Rs.33411.12.**

**5. Regarding the issue no.9 as to the amount claimed by the plaintiff-company about the goods supplied, the learned counsel for the appellant could not dislodge the evidence produced before the trial court and considered by it while awarding the amount in question.**

**6. No other point has been pressed by the learned counsel for the appellant.**

**7. Having considered the material and upon perusal of the impugned Judgment of the trial court, I find no error in the said judgment so as to interfere in the findings of learned trial court. The learned trial court has clearly discussed the evidence while deciding issue nos.9 and 13 regarding goods supplied by defendant-company and commission payable to the defendant-agent of the plaintiff-company and a decree for balance amount of**

**Rs.33411.12 only was passed as against the claim of appellant-company to the extent of Rs.44199.62.**

**8. Accordingly, I find no force in this appeal and same is hereby dismissed. No order as to costs.**

**(Dr.VINEET KOTHARI)J.**

**s.rawat/-**